

**DECISION**



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50578  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE: B-183067**

**DATE: February 25, 1975**

**MATTER OF: Hannibal Company**

**DIGEST:**

Where protester was orally advised by contracting officer no later than January 6, 1975, that its bid had been rejected as nonresponsive because it was considered to be qualified, protest received in GAO on January 17, 1975, is untimely and will not be considered since under 4 C.F.R. § 20.2 (1974) of Interim Bid Protest Procedures and Standards, protest must be filed within 5 days after basis for protest is known or should have been known.

Invitation for bids (IFB) No. GS-09-DP-(P)-513, issued on November 15, 1974, by the General Services Administration (GSA), San Francisco, California, for reconditioning and refinishing furniture, was opened on December 10, 1974. GSA reports that on December 20, 1974, the contracting officer telephoned Mr. Vincent Barca of Hannibal Company (Hannibal) to inform him that his bid had been rejected as nonresponsive and that award had been made to Coster's Enterprise. GSA further states that in a telephone conversation on January 6, 1975, the contracting officer informed Hannibal that it had qualified its bid and therefore it had been rejected as nonresponsive. On January 13, 1975, the GSA Property Rehabilitation Branch, San Francisco, California, received a letter of protest from Mr. Barca dated January 10, 1975. By letter of January 14, 1975, Hannibal filed a protest with our Office which was received on January 17, 1975.

Section 20.2(a) of our Interim Bid Protest Procedures and Standards, provides:

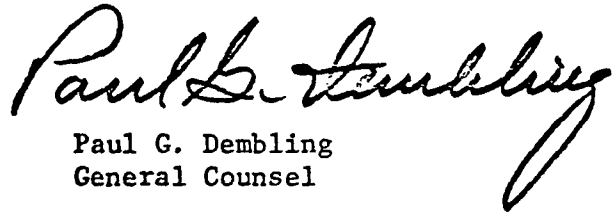
"\* \* \* bid protests shall be filed not later than 5 days after the basis for protest is known or should have been known, whichever is earlier."

The basis for the protest was known, or should have been known, after the contracting officer telephoned Mr. Barca on December 20, 1974, to advise that its bid had been rejected as nonresponsive or at least by the January 6, 1975, telephone conversation notifying

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Hannibal that its bid had been rejected because it was qualified. See Matter of Products Engineering Corporation, B-182763, December 16, 1974, and January 29, 1975; Matter of Lemont Shipbuilding and Repair Company, B-180104, January 21, 1974.

Since the protest letter was not received by the GSA regional office until January 13, 1975, or received in our Office until January 17, 1975, the protest is untimely and we must decline to consider the protest on its merit.

  
Paul G. Dembling  
General Counsel